

4

Recognition

Introduction

- 4.1 This chapter examines how the Main Committee is perceived within and outside the House, whether there are problems and, if so, what steps might be taken to remedy those problems. How the Main Committee is perceived invites contemplation of its image, name, location and culture.

Image

- 4.2 There is a careful balance to be struck in according appropriate recognition to the Main Committee. On the one hand, it is a subordinate body of the House; on the other, it is a part of the House itself. To extend the 'parallel stream' metaphor, it is a sidestream which branches from and later rejoins the main stream. By its existence and actions it should not detract from the House, neither should it be discounted.
- 4.3 There are two sides to the image coin: the side seen by insiders and that seen by others. It may be inferred from the survey of Members, the round table discussion and debate generally recorded in Hansard, that most Members see the Main Committee as having a lesser but nonetheless unique status. As a Member noted during debate on the committee's report of its first review of the Main Committee:

Whether we like it or not, I think this Main Committee will always be something of a poor cousin to the House of Representatives. ...¹

1 H. R. Deb. (22.6.1995) 2214

- 4.4 As would be expected, Members' opinions varied when proffered during the current review. One respondent to the survey described the Main Committee as a 'tin-pot chamber' which 'should be abolished'. To the best of the committee's knowledge this is patently a minority view. Another advocated changing 'the image from "sideshow alley"'.² The committee notes that that perception belongs to a different time and doubts that any such action is necessary. The general view seems to be that development of a distinct identity is largely a matter of time and that there is no particular need for dramatic gestures at this stage of the Main Committee's development.
- 4.5 One measure that the committee did consider was to make new Members better aware of the role and function of the Main Committee at the outset of their parliamentary careers. This can be easily effected by highlighting this component of the work of the House in the seminars for new Members conducted at the beginning of each Parliament.
- 4.6 The view of those who do not participate directly in the Main Committee is harder to evaluate. The Main Committee struggles for any level of recognition in the media and it can be reasonably assumed that it is practically invisible to the public. Because of the paucity of attention, there cannot be said to be a 'typical' media perception. On the rare occasions the Main Committee is referred to, the tone is usually cynical:
- Fahey's speech was the only speech heard in either main chamber of the Parliament concerning the Lawrence bill. It was immediately adjourned last week, and when debate resumed three days ago the Government shunted it off to the second 11 of the House main committee.³
- 4.7 However, cynicism afflicts perceptions of the whole institution of Parliament and there is a more fundamental problem which casts a broad and deep shadow over any proposal to raise the profile of the Main Committee itself. This committee noted in another report the lack of understanding of the Parliament in the community at large:
- For many, their only knowledge of Parliament is confined to television excerpts of question time and media reports of political contests.⁴
- 4.8 Defenders of the institution see clearly enough that the widely held hazy, naïve and idealised comprehension of Parliament should give way to a

2 Survey of Members

3 Alan Ramsey, *No encore likely for Carmen*, Sydney Morning Herald, 15 April 2000

4 *It's your House*, p 43

broader vision of the institution meshing beneficially with the other elements of Australian government. The challenge is to transmit that broader vision, to convey the essence of a modern parliament. For the sake of countering cynicism it is a message best formed by impartial observers. In a paper prepared by Dr John Uhr and Professor John Wanna and made available to the committee before publication, the authors observe:

In this wider sense, parliament is understood as a theatre of action involving an assembly of political actors, who interact and ‘caucus’ in groups, hold their party leaders to account, propose and defend partisan policy positions often to their own side, contribute in adversarial ways to public debate, make representations to the media, exercise scrutiny and interrogate officials. Viewed in this light parliament is an exciting, seething throng of activity, shadowed by uncertainty, out of which political possibilities are continually being framed and reframed. In this sense, parliament remains a key political institution within the polity. What is done through the parliament, how and why has enormous significance for other institutions involved in governance.⁵

- 4.9 The Parliament and the House itself have increasingly undertaken an educative role in recent years. The committee proposed a number of initiatives in *It’s your House* by which parliamentary committees could better promote their work and encourage more input from the community.⁶ Some of the proposed initiatives have been implemented and are bearing fruit. Some may be similarly applied to the Main Committee. However, until the more general problem of improving public understanding of the House and the Parliament has been mitigated it would be premature to concentrate the House’s efforts on a lack of recognition of the Main Committee by itself.

Name

- 4.10 According to the results of the survey Members are evenly divided on whether they like the title of the Main Committee. However it is clear from an examination of a wider range of comments that there is a general feeling that the title is unsatisfactory, inadequate or misleading. A former

5 Dr John Uhr and Professor John Wanna, *The future roles of parliament*; received as an exhibit. See Appendix A

6 *It’s your House*, p 3 and ch 6

chair of the Procedure Committee, when speaking in debate on *Time for review*, observed that:

There probably would have been value in having this place referred to not as the Main Committee but as the Second Chamber.
...⁷

- 4.11 When the UK House of Commons Select Committee on Modernisation of the House of Commons recommended the establishment of a similar body it opined that it did not think ‘Main Committee’ was a suitable term as it did not ‘convey any precise meaning’. Indeed one committee member was moved to remark during a hearing that he preferred ‘Principal Committee rather than Main Committee because I think it does not sound quite so Australian, which must be an advantage’.⁸ The modernisation committee recommended the title ‘Westminster Hall’, a reflection of its proposed physical location.
- 4.12 One respondent to this committee’s survey of Members recalled that in choosing the title when proposing its establishment, the Procedure Committee had assumed that the ‘parallel stream’ would meet in the room known as the Main Committee Room. This is of course a facility shared with the Senate and could not be set aside strictly for the use of a subordinate body of one House. A number of Members noted that the resulting separation of the Main Committee from the Main Committee Room has resulted in confusion between the two.
- 4.13 The favoured alternative is ‘Second Chamber’. It is also a term which is already commonly used by Members. Perhaps with the respect due to its age and some additional responsibilities, the erstwhile Main Committee could wear the new title easily.

Recommendation 1

The committee recommends that the title ‘Main Committee’ be changed to ‘Second Chamber’.

Location

- 4.14 The Main Committee convenes in a refurbished House of Representatives committee room on the second floor of Parliament House. There seemed

⁷ H. R. Deb. (22.6.1995) 2185-6

⁸ *Westminster Hall*, p 28

an implicit assumption at the Main Committee's inception that its continued existence was not guaranteed:

Generally, I would like to make the comment that all of the changes we are putting in are basically on trial. Although we are making changes to the standing orders in some places and introducing sessional orders in other places, I do not think by any stretch of the imagination that, if the things we are changing in the standing orders are totally unworkable or fail to achieve what they set out to achieve, they are locked in concrete and will not be able to be changed.⁹

- 4.15 There was perhaps, then, a sense of provisional arrangements being made when resources were allocated for the new body. The location chosen is remote from both the Chamber and the public areas of the building. Now that the Main Committee's continued existence is assured, there is a strong case for seeking a less provisional location. Greater convenience for those attending and supporting meetings would result. A modest improvement in the Main Committee's profile might also be achieved. Finally, freeing up what was a more generally available facility would reduce the competition for committee rooms, particularly on sitting days.
- 4.16 The committee is aware that relocation of the Main Committee is a matter that has been considered independently of this review. Indeed, House officials showed members of the committee a number of possible locations. An especially attractive location was one which would enable:
- Members in either venue to observe that proceedings were under way in the other;
 - Members to move rapidly between venues; and
 - members of the public to attend meetings more easily.

Recommendation 2

The committee recommends that, subject to feasibility, the Main Committee be relocated to a position adjacent to the Chamber and immediately accessible to the public.

Improvement of debate—Interventions

- 4.17 Members have noted the different atmosphere in the Main Committee and, as some believe, the often more interactive debate than occurs in the Chamber. This is attributed as much to the smaller dimensions of the second chamber as to the lesser formality cultivated by the standing orders. Further, there is a belief that the Main Committee is an appropriate laboratory for experiments which, if successful, might be extended to the Chamber.
- 4.18 The committee believes that if the Main Committee is to improve its stature, then steps should be taken to make a qualitative improvement in its culture. One area in which there is room for improvement in both the Main Committee and the Chamber itself is the quality of debate. One explanation for a tendency in both places for Members to deliver set-piece speeches is the inhibition of interactivity.
- 4.19 The principal form of interactivity in debate in the House of Representatives is by way of interjection. Strictly speaking, however, no Member may interrupt another Member whilst speaking except in certain specific circumstances.¹⁰ In practice, interjections play a vital role in all forms of parliamentary discourse and it has been observed that ‘as the House is a place of thrust and parry, the Chair need not necessarily intervene in the ordinary course of debate when an interjection is made’.¹¹
- 4.20 The committee was aware of conventions in other legislatures which allow formalised interplay in debate. One such convention is the intervention procedure followed in the UK House of Commons. The committee invited His Excellency Sir Alastair Goodlad—the British High Commissioner and a former Member of the House of Commons, Whip and Minister—to describe to it how the procedure worked in practice and whether it made a positive contribution to debate in the House of Commons.
- 4.21 In short, the convention allows a Member to stand and request the Member speaking if he or she is willing to ‘give way’. The latter may refuse or accede. If the request is acceded to, the intervention must be brief, to the point and in the form of a question. Instances of interventions are illustrated in Appendix D which contains extracts from the second reading debate in the House of Commons on the House of Lords Reform Bill on 1 February 1999. A number of observations can be made:

10 SO 84

11 *H. R. Practice*, p 486

- interventions can be frequent;
- the Member speaking may anticipate an intervention and give way before being asked to do so;
- it is entirely up to the Member speaking whether to give way;
- interventions may stimulate greater involvement by Members on both sides of debate; and
- the Chair may become involved, for example, when allocating the call between a number of Members requesting to intervene or when curtailing an excessively lengthy intervention.

- 4.22 The only slightly similar form of interactivity which is valid under the House of Representatives' standing orders sometimes occurs in the consideration in detail stage of legislation. Members are allowed to speak for 'an unspecified number of periods each not exceeding 5 minutes'.¹² This provision enables Members to ask brief questions 'on the run' and Ministers briefly to answer them. However the interaction is not entirely impromptu as each side must successively obtain the call from the Chair.
- 4.23 The committee believes that the proposition that the second chamber may serve an additional useful function as a proving ground for innovation should itself be tested. Testing the intervention procedure would serve this end.
- 4.24 The intention would be to encourage interactivity and spontaneity in debate. However the committee would not like the intervention process to degenerate into point scoring or disruption. It has in mind that the Chair would play an active role in ensuring that the procedure was not abused and that interventions were courteous, orderly, brief and in the form of a question. In this way it is hoped that Members would be encouraged to accept and respond to interventions.
- 4.25 The House of Commons procedure is a convention: it is not a product of its standing orders. However, given that the procedure would not have evolved in the Australian parliamentary environment but have sprung fully formed from the earth, so to speak, it is proposed that such a trial in the Main Committee proceed by way of sessional order. The committee believes a 12 month trial would be appropriate with the procedure to be reviewed at the end of that time.

Recommendation 3

The committee recommends that the following sessional order be adopted for the remainder of the 39th Parliament:

Interventions in the Main Committee

84A During consideration of any order of the day in the Main Committee a Member may rise and, if given the call, ask the Chair whether the Member speaking is willing to give way. The Member speaking will either indicate his or her:

- (a) refusal and continue speaking, or**
- (b) acceptance and allow the other Member to ask a short question immediately relevant to the Member's speech—**

Provided that, if, in the opinion of the Chair, it is an abuse of the orders or forms of the House, the intervention may be denied or curtailed.